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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

The right to development

Report of the Secretary-General

I. Introduction

1. The present report supplements the report of the United Nations High Commissioner for Human Rights on the right to development to the Human Rights Council at its fourth session (A/HRC/4/55 of 14 February 2007) and provides relevant conclusions and recommendations of the Working Group on the Right to Development at its eighth session.

2. The High Commissioner for Human Rights submitted her aforementioned annual report on the right to development to the Human Rights Council in accordance with Council decision 2/102 of 6 October 2006. In that decision, the Human Rights Council had requested the High Commissioner to continue with the fulfilment of her activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies. The Office of the High Commissioner for Human Rights understands decision 2/102 as preserving the previous annual reporting cycle in respect of this issue until otherwise decided by the Council.

3. In its decision 1998/269, the Economic and Social Council, taking note of Commission on Human Rights resolution 1998/72, endorsed the Commission's recommendation to establish a follow-up mechanism to make further progress towards the realization of the right to development as elaborated in the Declaration on the Right to Development. The mechanism included the establishment of an open-ended working group, which has convened eight sessions. At its fifth session, in February 2004, the Working Group on the Right to Development agreed to recommend to the Commission on Human Rights that it establish a high-level task

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force on the implementation of the right to development, within the framework of the Working Group, in order to assist it in fulfilling its mandate as reflected in paragraph 10 (a) of Commission resolution 1998/72. The task force has been convened for three sessions.

II. Updated information complementing the report of the High Commissioner for Human Rights on the right to development

4. In its resolution 61/169 on the right to development, the General Assembly requested the Secretary-General to bring the resolution to the attention of Member States, United Nations organs and bodies, specialized agencies, funds and programmes, international development and financial institutions, in particular the Bretton Woods institutions, and non-governmental organizations and to submit a report to the Assembly at its sixty-second session and an interim report to the Human Rights Council on the implementation of the resolution, including efforts undertaken at the national, regional and international levels in the promotion and realization of the right to development. The Assembly also invited the Chairperson of the Working Group on the Right to Development to present a verbal update to the General Assembly at its sixty-second session.

5. The Working Group on the Right to Development convened its eighth session from 26 February to 2 March 2007 to consider the report of the high-level task force (A/HRC/4/WG.2/TF/2) and further initiatives in accordance with its mandate. At its previous session, the Working Group had adopted conclusions and recommendations (see E/CN.4/2006/26, chap. III), including a set of criteria for the periodic evaluation of global development partnerships from the perspective of the right to development. The task force focused on the pilot application of the right-to-development criteria to three selected development partnerships, namely, the African Peer Review Mechanism, the Economic Commission for Africa/Organization for Economic Cooperation and Development-Development Assistance Committee Mutual Review of Development Effectiveness in the context of the New Partnership for Africa's Development (NEPAD) and the Paris Declaration on Aid Effectiveness. The Working Group's conclusions and recommendations, after consideration of the task force report, have been endorsed by the Human Rights Council, which in its resolution 4/4, decided to renew the mandate of the Working Group and the task force for a further two years.

6. Pursuant to Commission on Human Rights resolution 2003/83, a member of the Subcommission on the Promotion and Protection of Human Rights, Florizelle O'Connor, submitted to the Subcommission at its fifty-seventh session a concept document (E/CN.4/Sub.2/2005/23) establishing options and their feasibility for the implementation of the right to development. The Secretariat submitted to the Commission on Human Rights at its sixty-second session a note (E/CN.4/2006/25) containing a summary of views and ideas with respect to the right to development discussed by the Subcommission at its fifty-seventh session. In view of the fact that a decision still has to be taken on a successor expert-advice mechanism to the Subcommission, there has been no further development in regard to the concept document.

III. Conclusions and recommendations of the Working Group on the Right to Development

7. At its eighth session, the Working Group on the Right to Development adopted conclusions and recommendations (see A/HRC/4/47, chap. III), including the conclusion that the application of the right-to-development criteria facilitates the incorporation by current and future partnerships of essential elements of the right to development into their respective operational frameworks, thereby furthering the implementation of the right to development and, at the same time, providing the empirical basis for progressively developing and refining these criteria (ibid., para. 49).

8. The Working Group agreed that there was a need to take that work forward through both a deeper dialogue with the three partnerships examined by the task force and the evaluation of additional partnerships dealing with other aspects of Millennium Development Goal 8 (ibid., para. 50).

9. The Working Group recognized that the right-to-development criteria would benefit from further review of their structure, coverage of aspects of international cooperation identified under Millennium Development Goal 8 and the methodology for their application. The criteria should be further applied to identified global partnerships and progressively developed and refined. In that context, the Working Group recommended that the task force adopt a gradual approach based on rigorous empirical analysis and constructive consolidation of its findings in a phased manner. Recognizing the need to explore other strategic and representative partnerships in the context of Millennium Development Goal 8, in addition to the three identified partnerships, the Working Group decided that priority should be given initially to the Cotonou Partnership Agreement between African, Caribbean and Pacific countries and the European Union (ibid., paras. 51, 53-56).

10. The Working Group further recommended the continuing active participation of international financial, trade and development institutions (ibid., para. 57).

11. The Working Group's conclusions and recommendations have been endorsed by the Human Rights Council, which in its resolution 4/4, decided to renew the mandate of the Working Group and the task force for a further two years.